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8 Page]

9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12

13 LILIAN S. ILETO, an individual and
mother to JOSEPH S. ILETO,
14 deceased, and JOSHUA STEPAKOFF,
a minor, by his parents LOREN LIEB
and ALAN B. STEPAKOFF, and
15 MINDY GALE FINKELSTEIN, a
minor, by her parents, DAVID and
DONNA FINKELSTEIN, and
16 BENJAMIN KADISH, a minor, by his
parents, ELEANOR and CHARLES
KADISH, and NATHAN LAWRENCE
17 POWERS, a minor by his parents,
GAIL and JOHN MICHAEL
18 POWERS, for himself and on behalf of
a class of persons similarly situated,

19

20 Plaintiffs,

21

22 v.

23 GLOCK, INC., a Georgia corporation;
GLOCK GmbH, an Austrian business
24 entity; CHINA NORTH INDUSTRIES
CORP. a/k/a NORINCO, a Chinese
business entity; DAVIS INDUSTRIES,
25 a California corporation; REPUBLIC
ARMS, INC., a California corporation;
JIMMY L. DAVIS, an individual;
26 MAADI, an Egyptian business entity;
BUSHMASTER FIREARMS, a Maine
27 corporation; IMBEL, a Brazilian

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: *[Signature]*
FILED

Case No. CV 01-9762 ABC (RNBx)
**SECOND AMENDED COMPLAINT
FOR WRONGFUL DEATH,
SURVIVAL, PUBLIC NUISANCE,
AND NEGLIGENCE**

Judge: Audrey B. Collins

Trial Date: December 4, 2012

1 business entity; THE LOANER
2 PAWNSHOP TOO, a Washington
3 corporation; DAVID McGEE, an
4 individual; INTRAC ARMS
5 INTERNATIONAL, INC., a Tennessee
6 corporation, successor in interest to
7 INTRAC ARMS INTERNATIONAL,
8 L.L.C., formerly doing business as
INTRAC CORPORATION; CHINA
NORTH INDUSTRIES GUANGZHOU
CORP.; MIN SHAN MACHINE
BUILDING FACTORY; DOE
IMPORTERS 5-50; DOE
DISTRIBUTORS 50-100; DOE
DEALERS 100-150,

9 Defendants.

10

11 **SECOND AMENDED COMPLAINT**

12 Plaintiffs Lilian Santos Ileto, sole surviving parent of deceased, Joseph Santos
13 Ileto; Joshua Stepakoff, a minor through his parents, Loren Lieb and Alan B. Stepakoff;
14 Mindy Finkelstein; Benjamin Kadish, a minor through his parents, Eleanor and Charles
15 Kadish; and Nathan Powers, a minor through his parents, Gail and John Michael
16 Powers, by their undersigned counsel, allege as follows:

17 **Nature of the Action**

18 1. Plaintiffs were killed or injured in a shooting spree by Buford O'Neal
19 Furrow, Jr. ("Furrow"), a man copiously armed with firearms manufactured, marketed,
20 distributed and sold by defendants. At the time Furrow inflicted these injuries and
death, he was prohibited under federal and state law from possessing or purchasing
21 firearms; had experienced homicidal and suicidal fantasies and had been hospitalized
22 because of his mental instability; and was in possession of illegally converted firearms
23 and firearms considered illegal under applicable state and/or local laws. Defendants, by
24 knowingly marketing, distributing and selling firearms, including the firearms used in
25 this case, in ways designed to facilitate and encourage easy access by prohibited
26 persons, such as Furrow, created an undue risk that Furrow, and other prohibited
27 persons, would acquire and possess their firearms to do injury to others, including these
28

1 plaintiffs. This knowing conduct by defendants has created or contributed to a public
2 nuisance, which under California law is an unreasonable and substantial interference
3 with rights common to the public. Plaintiffs are entitled to relief from defendants
4 because the public nuisance created by defendants has inflicted on plaintiffs harm and
5 injury different in kind from that suffered by the general public. Plaintiffs are also
6 entitled to relief from defendants because this knowing conduct by defendants created a
7 foreseeable risk that a person with injurious intent, such as Furrow would obtain and
8 unlawfully possess defendants' firearms, and thus be enabled to act on that injurious
9 intent.

10 **Parties**

11 **Plaintiffs**

12 2. Plaintiff Lilian Ileto is the mother, former dependent, and only surviving
13 parent of decedent Joseph Ileto, who was shot and killed on or about August 10, 1999.
14 She currently resides in Los Angeles County, California. Because Joseph Ileto died
15 without a wife or children, she brings these claims as the sole heir entitled to recover by
16 intestate succession for the death of her adult son. Plaintiff Lilian Ileto sues to recover
17 for her and her son's losses as a result of his injury and death. She has executed and
18 filed with the initial complaint the declaration under penalty of perjury required by
19 California Code of Civil Procedure § 377.32 and a certified copy of Joseph Ileto's death
20 certificate, true and correct copies of which are attached hereto and incorporated here
21 by this reference.

22 3. Plaintiff Joshua Stepakoff is the seven-year-old minor son of Plaintiffs
23 Loren Lieb and Alan Stepakoff, who currently reside in Los Angeles County,
24 California. They sue on behalf of their minor son to recover for the specific and direct
25 personal injuries and residual harm suffered by their son as a result of gun shot wounds
26 to his left leg and hip.

27 4. At the time of filing of the original complaint, plaintiff Mindy Gail
28 Finkelstein was a seventeen year old minor who resides in Los Angeles County,

1 California. David and Donna Finkelstein sued on her behalf to recover for the specific
2 and direct personal injuries and residual harm suffered from gun shot wounds to her
3 right leg.

4 5. Plaintiff Benjamin Kadish is the six-year-old-minor son of Plaintiffs
5 Eleanor and Charles Kadish, who currently reside in Los Angeles County, California.
6 They sue on behalf of their minor son to recover for the specific and direct personal
7 injuries and permanent residual harm suffered by their son as a result of gun shot
8 wounds to his lower body and left leg.

9 6. Plaintiff Nathan Lawrence Powers is the five-year-old-minor son of
10 Plaintiffs Gail and John Michael Powers, who currently reside in Los Angeles County,
11 California. They sue on behalf of their minor son to recover for the specific and direct
12 physical and emotional injuries suffered by a shock to his nervous system upon
13 experiencing and witnessing the events described herein.

14 Defendants

15 7. Defendants are the manufacturers, importers, marketers, distributors, and
16 dealers of firearms found illegally and used in the commission of crimes on a
17 continuing and ongoing basis in the United States, California and Los Angeles County.
18 Defendants are sued individually, jointly and severally.

19 8. Upon information and belief, Defendant Glock, Inc. is a Georgia
20 corporation with its principal of business at 6000 Highlands Parkway, Smyrna, Georgia
21 30082, and Defendant Glock, GmbH, is an Austrian Company with its principal place
22 of business at Hausfeldstrasse 17, Deutch Wagram, A-2232, Ausria. Glock, Inc., and
23 Glock GmbH are referred to collectively herein as "Glock."

24 9. Upon information and belief, Defendant China North Industries Corp.,
25 a/k/a Norinco ("Norinco"), is a corporation approved by the People's Republic of China
26 with its principal place of business at 7A Yue Tan Nan Jie, Beijing, China.

27 10. Upon information and belief, Defendant Davis Industries ("Davis
28 Industries") is a California corporation with its principal place of business at 15150

1 Sierra Bonita Lane, Chino, California 91710.

2 11. Upon information and belief, Defendant Republic Arms, Inc. ("Republic")
3 is a California Corporation with its principal place of business at 15167 Sierra Bonita
4 Lane, Chino, California 91710. Republic Arms, Inc. was organized under the laws of
5 the State of California in 1995, as the alter ego of Defendant Davis Industries, for the
6 purpose of operating as one enterprise using the same employees, equipment and
7 management of Davis Industries, in an attempt to shield itself from liability. As the
8 alter ego of Republic, Davis Industries is and has been managing, controlling, and
9 conducting the affairs of Republic since its inception, as though it was the same
10 business entity for the purpose of defrauding plaintiffs and others similarly situated.

11 12. Upon information and belief, Defendant Jimmy L. Davis is a citizen of the
12 State of California, and is the owner of Defendants Davis Industries and Republic.
13 Defendant Jimmy L. Davis organized or caused to be organized Republic under the
14 laws of the State of California for the purpose of operating a firearm manufacturing,
15 assembly and distribution company and, upon information and belief, Defendant Jimmy
16 L. Davis has held the office of Chief Executive Officer from the dates of incorporation
17 to the present time. Defendant Jimmy L. Davis, as the alter ego of Defendants Davis
18 Industries and Republic, is and has been managing, controlling, and conducting the
19 affairs of the corporations since their inception, as though they were Defendant Jimmy
20 L. Davis's own businesses, and has used defendant corporations for the purpose of
21 defrauding plaintiffs and others similarly situated. There exists, and at all times herein
22 mentioned has existed, a unity of interest and ownership between Republic, Davis
23 Industries and Jimmy L. Davis such that any individuality or separateness has ceased
24 and Defendant Jimmy L. Davis is the alter ego of Davis Industries and Republic.

25 13. Upon information and belief, Defendant Bushmaster Firearms
26 ("Bushmaster") is a Maine Corporation with its principal place of business at 120
27 Mountain View Avenue, Bangor, Maine.

28 14. Upon information and belief, Defendant Imbel is a Brazilian corporation

1 with its principal place of business at Industria de Material Belico do Brasil-IMBEL,
2 Av 15 de Marco-Casa 1, Vila Estreia, CEP 126200-000, Piquette-SP, Brazil.

3 15. Upon information and belief, Defendant Maadi is an Egyptian corporation
4 with its principal place of business at Helwan, Maadi, Hakim, A642 Ordnance Factory
5 in Cairo, Egypt.

6 16. Plaintiffs having been ignorant of the true name of the defendant and
7 having designated the defendant in the initial complaint by the fictitious name Doe 1
8 and having discovered the true name of the defendant to be RSR Management
9 Corporation [“RSR”] now substitutes the true name for the fictitious name and alleges
10 on information and belief that RSR is a corporation which plaintiffs are informed and
11 believe is incorporated under the laws of the State of Florida, with its principal place of
12 business as 4405 Metric Drive, Winter Park, Florida 32792. Based on information and
13 belief, RSR Management Corporation distributes firearms in California, including guns
14 manufactured by the defendants.

15 17. Plaintiffs having been ignorant of the true name of the defendant and
16 having designated the defendant in the initial complaint by the fictitious name Doe 2
17 and having discovered the true name of the defendant to be RSR Wholesale Guns
18 Seattle, Inc., [“RSR Seattle”], now alleges on information and belief that RSR Seattle
19 is a Washington corporation with its principal place of business at 3848 148th Avenue,
20 NE, Redmond, Washington, 98052. Based on information and belief, RSR Seattle
21 distributes firearms in California, including guns manufactured by the defendants.

22 18. Plaintiffs having been ignorant of the true name of the defendant and
23 having designated the defendant in the initial complaint by the fictitious name Doe 3
24 and having discovered the true name of the defendant to be China North Industries
25 Guangzhou Corp., now alleges on information and belief that it is a corporation
26 approved by the People’s Republic of China with its principal place of business at
27 Norinco Bldg., 376 Huanshi Dong Road, Guangzhou, China.

28 19. Plaintiffs having been ignorant of the true name of the defendant and

1 having designated the defendant in the initial complaint by the fictitious name Doe 4
2 and having discovered the true name of the defendant to be Min Shan Machine
3 Building Factory, now alleges on information and belief that it is a corporation or other
4 business entity approved by the People's Republic of China with its principal place of
5 business in China.

6 20. At all times relevant thereto, DOES 5 through 50 were business entities,
7 importers, or individuals, whose identities are currently unknown, who manufactured,
8 imported, marketed, and distributed firearms causing injury to the plaintiffs.

9 21. At all times relevant hereto, DOES 51 through 100 were business entities,
10 distributors, or individuals, whose identities are currently unknown, who marketed,
11 distributed, supplied, and sold firearms causing injury to the plaintiffs.

12 22. At all times relevant hereto, DOES 101 through 150 were business entities,
13 dealers, or individuals, whose identities are currently unknown, who marketed,
14 distributed, supplied, and sold firearms causing injury to the plaintiffs.

15 23. The true names and capacities, whether individual, corporate, associate or
16 otherwise, of those defendants named herein as DOES 5 through 150, inclusive, are
17 presently unknown to plaintiffs, who therefore sue said defendants by such fictitious
18 names. Plaintiffs are informed and believe and on that basis allege that each such
19 defendant participated in the acts complained of herein or otherwise is liable therefore,
20 and the plaintiffs' damages as alleged herein were directly and proximately caused by
21 the acts of each such defendant. When the true names and capacities of said defendants
22 are ascertained, plaintiffs will seek leave of Court to amend this Complaint accordingly.

23 24. Plaintiffs are informed and believe and on that basis allege that at all times
24 mentioned herein, each defendant was the agent, servant, employee and/or associate of
25 each of the other defendants, and was at all times acting within the course and scope of
26 such relationship in committing the acts alleged in this Complaint.

27 25. Whenever appearing in this Complaint, each and every reference to
28 "defendants" is intended to be, and shall be deemed, a reference to all defendants in this

1 action, and each of them, named and unnamed, including all fictitiously named
2 defendants.

3 General Factual Allegations

4 26. On or about August 10, 1999, Furrow, carrying firearms manufactured,
5 marketed, imported, distributed or sold by defendants, approached the North Valley
6 Jewish Community Center (hereinafter "JCC") located at 16601 Rinaldi Street,
7 Granada Hills, California 91344. Furrow had the following firearms in his possession:
8 Defendant Glock's model 26, a 9 mm handgun; Defendant Norinco's model 320, a 9
9 mm rifle which had been illegally converted by shortening the barrel; Defendant
10 Maadi's model RML, a 7.62 caliber automatic rifle; Defendant Bushmaster's model
11 XM15-E25, a .223 caliber rifle; two of Defendant Imbel's model L1A1, a .308 caliber
12 rifle; and Defendant Davis Industries' model D-22, a .22 caliber handgun.

13 27. Furrow entered the JCC and shot and injured three children, one teenager,
14 and one adult. Two of the children were Plaintiffs Joshua Stepakoff and Benjamin
15 Kadish, who were campers at the JCC. Joshua, six years old at the time of the shooting,
16 was shot twice in the left lower leg and left hip, fracturing or breaking a bone.
17 Benjamin, five years old at the time, was shot twice in the buttocks and left leg,
18 fracturing his left femur, severing an artery, and causing major internal injuries.
19 Plaintiff Mindy Finkelstein, who was a sixteen-year-old camp counselor at the time of
20 the shooting, was shot twice in her right leg. Plaintiffs Stepakoff, Kadish and
21 Finkelstein suffered severe, life-threatening bodily injuries, emotional distress, and
22 permanent residual harm.

23 28. Plaintiff Nathan Powers, a four-year-old camper at the time, witnessed and
24 experienced the events at the JCC on August 10, 1999 as they unfolded in his presence.
25 The shooting terrified and shocked him so severely that it caused him to suffer great
26 mental suffering, anguish, and anxiety and severe shock to his nervous system. As a
27 result, he has suffered and will continue to suffer severe emotional distress.

28 29. Furrow fled the JCC with the same firearms still in his possession. Later

1 the same day, Furrow saw Joseph Ileto, an employee of the U.S. Postal Service
2 delivering a mail route in Chatsworth, California. Furrow shot and killed Joseph Ileto.

3 30. Among the evidence recovered at both crime scenes were 9mm casings. Of
4 the firearms in Furrow's possession, the following are chambered for 9mm
5 ammunition: the Norinco and the Glock.

6 31. At the time of these events and beginning in October of 1998, Furrow was
7 prohibited under federal law from possessing, purchasing or using any firearm, having
8 been committed to a psychiatric hospital in 1998, placed under felony indictment in
9 1998, and convicted of assault in the second degree on or about May 21, 1999 in the
10 State of Washington. At the time of his hospitalization, Furrow was determined to be a
11 danger to himself and others, having suicidal and homicidal thoughts. Specifically, he
12 expressed a desire to commit mass murder. Plaintiffs are informed and believe that
13 under applicable law, as a result of his psychiatric commitment and felony indictment,
14 Furrow was also a prohibited firearms purchaser prior to purchasing certain of
15 defendants' firearms and/or the ammunition used to injure and kill plaintiffs.

16 32. Defendants are legally responsible for some or all of the harm associated
17 with the purchase, possession and use by Furrow of their firearms because their conduct
18 facilitates access to their firearms by prohibited persons and in so doing, they
19 knowingly facilitate and contribute to, participate to a substantial extent in, and create a
20 public nuisance. Defendants' distributional conduct poses a danger to the public and
21 caused the particular injuries and death to plaintiffs.

22 33. Defendants are legally responsible for the injuries and death to plaintiffs
23 because their deliberate and reckless marketing strategies created an undue risk that
24 their firearms would be distributed to and obtained persons with injurious intent, such
25 as Furrow, who, when in possession of such firearms, would foreseeably inflict injury
26 or death to others, including plaintiffs.

27 34. As is more specifically alleged hereinafter:

28 35. Defendants produce, market, distribute and sell substantially more firearms

1 than they reasonably expect to be bought by law-abiding purchasers, and they
2 knowingly participate in and facilitate the secondary market where persons who are
3 illegal purchasers and have injurious intent obtain their firearms. Between 1994 and the
4 end of 1997, despite a decline in the number of households owning firearms, and
5 despite the approximately 65,000,000 handguns already in circulation, this country's
6 domestic gun manufacturers produced a total of approximately 7,196,000 additional
7 handguns. Moreover, since the early 1990's, manufacturers have increasingly produced
8 more rapid firing, higher caliber firearms, such as 9mm semiautomatic pistols. In the
9 intervening years, the semiautomatic pistol production rate and the homicide rate have
10 mirrored each other.

11 36. Defendant manufacturers and distributors select and develop distribution
12 channels that they know regularly provide guns to criminals and underage end users.
13 Defendant manufacturers and distributors have been specifically so informed in
14 connection with crime-gun trace efforts by the U.S. Department of the Treasury,
15 Bureau of Alcohol, Tobacco and Firearms ("ATF"). For the past three years, ATF's
16 National Tracing Center has published Crime Gun Trace Reports. The reports analyze a
17 large number of individual traces from many similar jurisdictions to help identify
18 consistent crime gun patterns and to prevent gun violence. The Crime Gun Trace
19 Reports have several audiences including federally licensed firearms businesses. One of
20 the stated goals of the report is to inform firearms businesses about crime gun patterns
21 and to promote sounder and safer business practices. Despite the knowledge obtained
22 from this data, such as the short time to crime of their firearms, defendants knowingly
23 supply a range of disreputable distributors, dealers, gun shops, pawnshops, gun shows,
24 and telemarketers in the State of California and throughout the United States.

25 37. Despite the documentation in the ATF reports regarding how firearms
26 move into the illegal market, defendant manufacturers and distributors fail to exercise
27 reasonable care to protect the public from the risks associated with their current
28 marketing and distribution practices, and fail to utilize techniques regarding distribution

1 of their products that are commonly employed by responsible businesses in this
2 country.

3 38. Defendant manufacturers' contracts with their distributors and dealers, and
4 defendant distributors' contracts with their dealers, do not include provisions designed
5 to address the risks associated with acquisition of their firearms by persons prohibited
6 to purchase or possess firearms under state, local, or federal law. Incentive provisions
7 are common in these contracts, demonstrating that defendants know such provisions
8 can influence the practices of the licensed sellers. For example, some of Defendant
9 Glock's distributor agreements prohibit distributors from publishing or advertising
10 Glock wholesale prices and make this condition "the essence of the contract," a second
11 violation of which results in the termination of the distributor agreement. Glock can
12 also terminate a distributor agreement for non-activity after a period of ninety days or
13 for the failure of a distributor to use its best efforts to market Glock products. However,
14 these contracts contain no incentives (or sanctions) that would discourage the sales
15 practices identified in the ATF studies as associated with unreasonably high risk of
16 dispersal of firearms to prohibited persons, such as multiple sales, sales to nonstocking
17 dealers, sales to straw purchasers, sales at gun shows, and other such practices.

18 39. Defendant manufacturers also design, produce and advertise their products
19 with the illicit market as their target, including by ads for features and practices relevant
20 to this case. For example, Defendant Glock advertises the model 26, used by Furrow in
21 this case, as the "pocket rocket," with the enhanced firepower of a 9 mm or .40 caliber
22 packed into a handgun only four inches high. A capacity of nine or ten rounds makes
23 the "pocket rocket," as described in a major gun magazine, the "Ultimate Conceal
24 Package."

25 40. Defendants derive significant revenues, amounting to a substantial portion
26 of their total firearm revenues, from the crime market. This crime-market segment of
27 their sales also affects overall sales. Defendants utilize the fear generated by criminal
28 uses of their products to promote more sales to law-abiding citizens for self protection,

1 without warning about the dangers of possession of a firearm in the home now
2 generally recognized in the field of public health. Defendants fail to adopt even
3 minimal policies and practices completely within their control that would eliminate or
4 ameliorate the crime market.

5 41. The easy availability of firearms is a matter of general knowledge and
6 experience, commonly known to criminals, young people, and others who may be
7 legally prohibited from purchasing, carrying or possessing them under California or
8 federal law, including California Penal Code § 12028(a).

9 42. Defendants maintain unusual secrecy about their marketing policies and
10 practices. However, recent investigations, studies and expert analyses have revealed
11 considerable detail about the workings of the criminal firearm market, about these
12 particular defendants' roles in it, and about the marketing and distribution practices that
13 led to Furrow's possession of defendant manufacturers' firearms on August 10, 1999.

14 43. Defendants market their guns to get into the secondary market.

15 44. The secondary market results in a high percentage of crime guns. As much
16 as forty percent of all gun sales occur in the secondary market by an unlicensed gun
17 seller. Secondary sales are much more likely to be traced to crime. A 1999 ATF report
18 of ATF's trace analysis in thirty-two cities, found that in eighty-nine percent of trace
19 requests where the gun possessor and the purchaser are known, they are not the same
20 individual. The evidence that Defendants market their guns to get into the secondary
21 market includes but is not limited to the following:

22 45. Defendants use a two-tier distribution system. They sell their firearms to
23 distributors, who distribute them through dealers.

24 46. Defendant manufacturers' dealings and relationships with distributors and
25 dealers are discretionary and voluntarily contractual. Defendant manufacturers establish
26 and maintain these distribution relationships and the distribution system described
27 herein, and they are able to set the terms and conditions, including distribution policies
28 and practices, and to discipline or terminate relations with distributors or dealers who

1 will not accept their terms or fail to comply. It is within the power, discretion and
2 control of defendant manufacturers to modify the policies and practices of their
3 distributors and dealers, to seek alternative distribution channels, or to establish their
4 own. Defendant distributors, acting as agents of manufacturers, have the same control
5 over their relationship with dealers.

6 47. The existing firearm distribution system and structure was established by
7 the firearms industry and is maintained and used by all of the defendants.

8 48. Although a number of jurisdictions including the City of Los Angeles at
9 the time of the shootings described here prohibit multiple sales of handguns, a
10 substantial portion of the lawful, primary firearms market is "multiple sales" -- one
11 person buying two or more firearms at the same time or over a particular time period,
12 frequently of the type that are easily concealed and therefore particularly useful for
13 criminal purposes. A study in one city found that about half of the handguns purchased
14 in a 15-month period were sold to someone who bought at least two, 30% were sold to
15 someone who bought three or more, and 17% were sold to the industry's and
16 defendants' best customers, who bought 5 or more. A report published by the ATF
17 states that ATF's trace analysis in thirty-two cities, suggests that multiple sales
18 accounted for nearly a quarter of firearms (22%) first sold at retail in 1999, and traced
19 to crime in 1999. None of the defendants engage in business practices designed to
20 discourage multiple sales. Instead, their practices facilitate such sales.

21 49. A very small number of distributors and a very small number of dealers
22 yield an extraordinarily large proportion of the firearms used in crime.

23 50. A very large proportion of guns used in crimes were multiple or single
24 "straw" purchases, in which someone purchases a firearm for someone else who may be
25 prohibited from purchasing by state or federal law. Such sales are illegal under federal
26 law. However, according to a recent national study, more than half of the firearms
27 subject to firearm trafficking investigations were initially acquired as part of a straw
28 purchase. At least one major firearms manufacturer provides educational training to

1 licensed dealers of its products, to sensitize them on how to identify straw purchases.
2 None of the defendants do so.

3 51. It is well documented that individuals claiming to be "collectors" obtain
4 and supply multiple firearms to criminals, particularly at gun shows, to circumvent any
5 record keeping or reporting requirements.

6 52. A large proportion of the firearms used in crime were sold recently, within
7 three years of the crime, and only a small proportion were stolen. This is true nationally
8 and in the City and County of Los Angeles. A report published by the ATF states that
9 ATF's trace analysis in thirty-two cities, including Los Angeles, suggests that nearly
10 1/3 of recovered crime guns are new guns sold in less than three years of the crime. In a
11 1994 ATF trace study, at least twenty-five percent of recovered firearms were seized
12 within three years of their initial sale. Also in the same study, of the 5,002 guns in the
13 sample recovered by law enforcement in Los Angeles, only six percent were reportedly
14 stolen.

15 53. The ATF traces recovered guns used in state, local and federal crimes, in
16 recent years tracing approximately 200,000 crime guns nationally per year. ATF
17 reported in February 2000 that a relatively small number of dealers -- about 1% --
18 account for over half of the successfully traced guns used in crime.

19 54. A congressional study of ATF data released in December, 1999 found that
20 an extraordinary proportion of crime guns bought from "high crime" gun stores were
21 probably straw purchased: of 35,000 crime guns traced to 140 "high crime" gun stores,
22 87% were possessed by someone other than the buyer (e.g., they have entered the
23 secondary market). The study also found that one-third of these crime guns were
24 recovered in connection with a crime within just one year of purchase, and half were
25 traced to crimes within two years of purchase.

26 55. New, but limited, ATF data just made available identify specific
27 distributors and dealers and confirm these conclusions.

28 56. Firearms used in crime constitute a very substantial proportion of

1 defendants' firearms sales. The 1999 ATF report demonstrates that Glock 9mm
2 semiautomatic pistols were among the most frequent crime guns (traced to crime) used
3 by juveniles and adults in Los Angeles, ranking 8 out of 10 most frequently crime guns
4 overall for all age groups. Defendant Norinco's 7.62mm rifle constituted 6% of all long
5 gun trace reports nationwide in 1999, constituting the third most frequently traced long
6 gun for all age groups. Both the Norinco 7.62 and Glock 9mm pistols were among the
7 more frequently recovered crime guns nationwide in the 1999 ATF study of 32 major
8 cities. The same study reports that nearly a third of recovered crime guns for which
9 time to crime would be computed were "new guns," that is, the had been purchased
10 within three years of their use in crime.

11 57. ATF has concluded that "kitchen table" dealers, who may be licensed but
12 have no store, and pawn shop dealers play a significant role in gun trafficking. Of the
13 investigations conducted for the study, "kitchen table" dealers were a source of 23% of
14 the trafficked firearms, and 38% of the trafficked guns came from pawn shops. A 1994
15 ATF study conducted in Los Angeles revealed that ten of the fifteen retailers accused of
16 illegal gun trafficking were "kitchen table" dealers.

17 58. The same ATF study also concludes that licensed dealers ("FFL,"
18 described in more detail, *infra*) are a significant source of crime guns. In the study,
19 although FFLs were involved in a small proportion of ATF trafficking investigations,
20 FFL traffickers were associated with by far the highest mean number of illegally
21 diverted firearms per investigation -- nearly half of the total number of trafficked
22 firearms documented during the two-year study. The study also shows that half of the
23 licensed dealers who maintain a gun store business premises also sell firearms at gun
24 shows, which were a significant source of crime guns, particularly in the southwestern
25 and western regions. Felons were associated with selling and purchasing firearms in
26 46% of the gun show investigations.

27 59. The ATF reports, as well as other reports, also identify sales at gun shows
28 as a substantial source of crime guns throughout the country. These events also generate

1 considerable revenue for defendants. It has been estimated that there are as many as
2 5,000 gun shows per year with more than five million attendees generating billions of
3 dollars in sales. Gun shows provide a natural recruiting environment. Many more are
4 being held now than ever before, and many more people are attending them.

5 60. The National Shooting Sports Foundation, a trade association to which
6 Glock is a member, actively promotes gun shows and has requested that its members
7 promote them as a viable distribution channel.

8 61. Larry Ford, group supervisor of the ATF Detroit Firearms Trafficking
9 Group, advises that “personal collections” often sold at gun shows contribute to illegal
10 gun trafficking: The problem would be the regular citizen’s being able to go and put
11 their own firearms on display without a license or any paperwork being done. Based on
12 the type of cases that we put together in our group, some [criminals] indicate that they
13 bought their firearms at local gun shows and flea markets.

14 62. Although defendants publicly claim that they market and sell to purchasers
15 who want a firearm for self-protection and to “collectors” and that firearms used in
16 crime are usually stolen, the easy availability of firearms for criminal purposes is a
17 direct, known result of defendants’ marketing and distribution policies and practices.
18 Defendants also fail to take reasonable steps within their power and discretion that
19 would eliminate or minimize the easy availability of firearms to the secondary market
20 and hence for criminal purposes.

21 63. According to the former Senior Vice President for Marketing and Sales of
22 Smith & Wesson, the largest manufacturer of handguns, the “industry as a whole,”
23 including these defendants, is fully aware of the extent of the criminal misuse of
24 firearms. The industry is also aware that the illicit market in firearms is not simply the
25 result of stolen guns but is due to the seepage of guns into the illicit market from
26 multiple thousands of unsupervised federal firearms licensees. In spite of their
27 knowledge, however, the industry’s position has consistently been to take no
28 independent action to insure responsible distribution practices . . . I am familiar with

1 the distribution and marketing practices of all of the principal U.S. firearms
2 manufacturers and wholesale distributors and none of them, to my knowledge,...
3 investigate, screen or supervise the wholesale distributors and retail outlets that sell
4 their products to insure that their products are distributed responsibly. Affidavit of
5 Robert I. Hass, February 20, 1996, on file in Hamilton v. Accu-Tek, U.S. District
6 Court, E.D.N.Y., 95 CV 0049 (JBW).

7 64. Glock provides its dealers with optional "Customer Safety Awareness
8 Forms" to be filled out at the time of sale by a dealer to a Glock purchaser. The form, to
9 be initialed by the buyer and mailed back to Glock, aims to instruct a purchaser about
10 such things as the loading, unloading, and the basic functioning of a Glock pistol. In
11 conjunction with this practice, Glock has a drawing once a month from the group of
12 returned cards, and it gives a free gun to the local gun dealer whose name appears on
13 the card. No similar incentives, instructions or warnings are made with respect to the
14 danger of secondary sales such as sales at gun show.

15 65. Defendant manufacturers repeatedly and continually use marketing
16 strategies and distribute their firearms through distribution channels, including specific
17 distributors and dealers, gun shows, telemarketers, and "kitchen table" and "car trunk"
18 dealers, that they know or should know regularly yield inordinate numbers and
19 proportions of criminal end users.

20 66. Defendant manufacturers have actual knowledge and are specifically
21 placed on notice of such crime-prone distribution channels by the ATF, and such notice
22 includes sufficient numbers of their products used in crime to alert any reasonable
23 person. For example, based on publicly available data for the three-year period from
24 1995 to 1998 (which is not as complete as the actual data received by defendants), not
25 less than 10,000 of Defendant Glock's firearms were traced to crimes, and at least
26 15,000 each of Defendants Norinco and Davis Industries were traced to crimes.

27 67. Each ATF crime-gun trace referred to above starts with a direct
28 communication to the manufacturer, who is thereby informed that a particular gun it

1 produced, identified by model and serial number, was used in a crime. ATF asks the
2 manufacturer for the identity of the distributor to whom the manufacturer first sold the
3 weapon. ATF inquiries to this distributor in turn yield the identity of any successor
4 distributors and dealers to whom the weapon was sold, together with the identity of a
5 retail purchaser. ATF uses this process to establish the entire distribution chain.

6 68. Each of these trace requests to a manufacturer therefore effectively inform
7 the manufacturer that one of its weapons had been involved in criminal activity, since
8 such activity constitutes the reason for the initiation of an ATF trace. Defendant
9 manufacturers know – from their own records -- the particular distributor through
10 whom each gun was first distributed. (They also have or can obtain the identities of the
11 particular distributors and dealers subsequently involved in the sales chain for each
12 ATF-identified crime gun.)

13 69. Thus, the ATF crime trace requests, together with other data in the
14 possession of defendant manufacturers, provide a clear picture for each defendant
15 manufacturer of the crime-producing tendencies of its various initial distribution
16 channels. They also possess, have access to or can obtain the identities of other
17 distributors and dealers that may be in the sales chain for each traced crime gun.

18 70. Defendant manufacturers choose not to use the data literally placed in their
19 hands on a daily basis by the ATF to change their marketing and distribution practices
20 to reduce the foreseeable risk that their firearms will become possessed by prohibited
21 persons, including those such as Furrow who obtain them to inflict injury and death.
22 Nor do defendant manufacturers take reasonable preventative measures in response to
23 ATF compilations of the data or other available data, including the number of prior
24 crime-gun traces for each distributor and dealer identified in a trace, which often
25 appears on routine trace reports. Because the existing marketing and distribution
26 practices of defendants bear no relation to market demand of the legal market, their
27 conduct has little or no social utility. Accordingly, they have a duty to exercise
28 reasonable care not to increase or encourage the risk of foreseeable injuries by third

1 parties who gain ready access to firearms because of defendants' practices and who by
2 law are prohibited possessors because they have been determined to be incompetent to
3 handle the responsibility associated with gun possession.

4 71. Similarly, defendant distributors receive actual notice regarding their
5 distribution channels and, nevertheless, take no restrictive or protective actions that
6 could limit criminal and prohibited access.

7 72. The ATF data referred to above have been available to the public in
8 summary form for some time, but until very recently ATF routinely redacted the names
9 of particular distributors and dealers from data it released to the public, public officials
10 and researchers in the field. (Sometimes such data were included in response to a
11 specific trace request by law enforcement regarding a particular crime, and it has been
12 regularly available to defendants, as set out above.) However, some of the previously
13 redacted data are now available, and they show not only that there are quite significant
14 differences in the crime-trace records of the various distribution channels, but which
15 particular distributors and dealers yield inordinate numbers or proportions of crime
16 guns.

17 73. All of defendant manufacturers' firearms, including their firearms
18 involved in these incidents, are marketed and sold through the distribution system
19 described herein.

20 74. Therefore, all of the allegations, studies and data and defendants'
21 knowledge thereof-- pertaining to the marketing and distribution policies and practices
22 set out herein, specifically apply to defendants and to the resulting harm to the public
23 and the special and particularized injuries to plaintiffs.

24 75. Defendant manufacturers do not monitor or supervise their distributors or
25 dealers, except in ways that are aimed at maximizing profits.

26 76. Some defendant manufacturers have written distribution agreements that
27 provide for the right of termination, and occasionally they have terminated or warned
28 distributors or dealers. However, a dangerous sales practice such as one that would

1 make guns easily available for potential criminal use has not been the basis for
2 termination and is not included in the terms of the agreements. The reasons identified
3 for termination are: not maintaining minimum prices, advertising the price that the
4 distributor pays to the manufacturer, or selling into the wrong market (e.g., some
5 distributors are forbidden to sell to law enforcement, or to make foreign sales). There is
6 no mention of termination for selling to or facilitating the crime market.

7 77. Defendant manufacturers purposely avoid any connection to or “vertical
8 integration” with the distributors and dealers that sell their products. They offer high
9 volume monetary incentives and generally refuse to accept returns, and they
10 contractually attempt to shift all liability and responsibility for the harm done by their
11 products.

12 78. Defendant firearm manufacturers do not use available computerized
13 inventory and sales tracking systems that are commonly and inexpensively used
14 throughout American industry to limit and screen customers, particularly in industries
15 that produce dangerous or harmful products.

16 79. Other manufacturers of dangerous or harmful products, including
17 manufacturers of chemicals and paints, place restrictions and limits on the distribution,
18 distributors, and dealers of their products to avoid known detrimental consequences. In
19 sharp contrast, defendant manufacturers have completely failed and refused to adopt
20 any such limits or to engage in even minimal monitoring or supervision of their
21 distributors and dealers.

22 80. Some of these practices and policies are not exclusive to this industry.
23 However, high volume sales of this product designed to be instantaneously lethal --
24 without monitoring, supervision or regard for who is purchasing, the purposes of the
25 purchasers, or the quantities purchased -- recklessly creates a serious, known risk and
26 has directly harmed the public and these particular plaintiffs.

27 81. Defendant manufacturers do not require that their dealers and retailers be
28 trained or instructed: (a) to detect inappropriate purchasers; (b) to educate purchasers

1 about the safe and proper use and storage of firearms, or to require any training or
2 instruction; (c) to inquire or investigate purchasers' level of knowledge or skill or
3 purposes for buying firearms; or (d) to train purchasers who intend to carry a concealed
4 firearm about the appropriate circumstances in which to pull it out and fire it.

5 82. Defendant manufacturers do not provide their distributors and dealers with
6 any assessment, require them to report, or train them regarding the dangers and
7 practices alleged herein.

8 83. Similarly, defendant distributors have not limited, monitored or supervised
9 their dealers, and defendant dealers have not limited or monitored their purchasers, or
10 kept track of or used ATF-trace and other information in their possession or available to
11 them that could be used to limit or monitor purchasers.

12 84. Defendant manufacturers' marketing practices have knowingly appealed to
13 and facilitated the criminal firearm market.

14 85. Defendant manufacturers have increased the production of particular
15 firearms that are popular for use by criminals. For example, over the past decade,
16 during which the handgun market has been stagnant (until the Y2K and millennium
17 scares), firearm manufacturers, including defendants or some of them, increased their
18 production of 9 millimeter handguns although their own market research showed that
19 the market for 9 millimeters among law-abiding purchasers was already saturated. Nine
20 millimeter handguns are popular in the illicit drug trade and, according to most national
21 studies, are the most frequently used in crime. A recent study in one state concluded
22 that they are the firearm of choice for criminals, accounting for almost a third of the
23 homicides. In particular, a report published by the ATF states that ATF's trace analysis
24 in thirty-two cities, showed that among youth, 9 mm handguns had a shorter time to
25 crime than any other model gun and that time to crime amounted to less than two years.
26 In the same report, Glock's nine-millimeter semiautomatic accounted for fifty percent
27 of all crime guns traced in ten of the cities studied and was in the top ten most
28 frequently traced crime guns by manufacturer and caliber in Los Angeles. Also in the

1 top ten most frequently traced crime guns in Los Angeles was Norinco.

2 86. Defendant manufacturers have sometimes designed and advertised
3 particular features of their products that appeal to purchasers with criminal intent.

4 87. Defendant manufacturers design their firearms with features that are
5 unnecessary or detrimental for use by a law-abiding person seeking self-protection in
6 his or her home but are attractive, useful, and not detrimental for criminal use in a
7 burglary, robbery, street murder, or drive-by shooting.

8 88. In 1995, defendants or some of them, including Defendants Glock and
9 Republic Arms, began to introduce firearms nicknamed by the industry as “pocket
10 rockets,” concealable and powerful handguns, all features that are attractive to those
11 with criminal intent, such as Furrow. The pocket rocket is the weapon of choice for the
12 day-to-day operations of gang members because of their caliber, their capacity, and
13 their concealability. Between the years 1995-1997, the ATF has traced at least 13,000
14 of these “pocket rockets” to crime scenes nationally.

15 89. One of the first to introduce these new firearms, Defendant Glock released
16 the Glock models 26 and 27, both having a height of only 4 inches but firepower in the
17 9mm and .40 caliber range. Defendant Glock nicknamed the new gun the “pocket
18 rocket.”

19 90. Defendant Glock marketed the “pocket rocket” to police as a back-up
20 lightweight side-arm with the intention of profiting both from the first-time purchase to
21 police and the after-sales on the civilian or secondary market, which were traded-in to
22 either the manufacturer or gun stores and resold after initial use by police. It is a long-
23 established fact that Glock targets the police market first as a tactic to entice the civilian
24 market, where firearms associated with use by law enforcement are in great demand
25 and disproportionately traced to crime. In 1995, founder and president, Gaston Glock,
26 explained it as such: It was a conscious decision to go after the law enforcement market
27 first. In marketing terms, we assumed that, by pursuing the law enforcement market, we
28 would receive the benefit of ‘after sales’ in the commercial market. Ad Age’s

1 Marketing 100 (1995).

2 91. Defendant Glock marketed the “pocket rocket” as a favorite of
3 “professionals” or the gun of “professionals” even though it knew some police
4 departments found the gun unsatisfactory and the gun should not be used by anyone
5 other than the skilled or trained user. Defendants, such as Glock, use their success in the
6 police market to sell the same guns to the civilian market, including the illegal
7 secondary market, claiming them to be pistols of “perfection” and “hailed by police”
8 because of their “unfailing accuracy.” The attributes that make the Glock pistol
9 attractive to an offensive law enforcement division, such as a SWAT team, -- the large
10 capacity of its magazine and its highly responsive trigger system, originally designed
11 for the Austrian Army without a manual safety or other mechanism that would in any
12 way minimize its trigger-readiness--are the same qualities that make it dangerous for
13 civilian use generally and especially for use by persons associated with criminal intent
14 and thus deemed prohibited possessors such as Furrow. A Glock firearm user will not
15 need to reload the weapon as often, and once a person has committed to shooting, rapid
16 fire is easy to maintain.

17 92. Whatever the merits of the firearm for elite offensive police forces, Glock
18 designs its firearms without vital safety features allegedly for military and police and
19 then over markets them to civilians. Glock knows that its firearms are an experts’ gun
20 that require the complete attention and control of its users. In particular, the pocket
21 rocket due to its small size requires even more care and skill to shoot.

22 93. Glock’s marketing practice is to sell to police departments’ premature and
23 often unnecessary firearms upgrades so that it can obtain the used guns for resale on the
24 civilian market. Police trade-ins are big business for Glock, and it is estimated that
25 roughly 150,000 used Glock police guns have been resold in the last five years.
26 Numerous police departments across the country participate in Glock’s trade-in
27 schemes. It is an historically known fact that gun manufacturers, such as Glock, have
28 sold unnecessary and expensive upgrades to law enforcement agencies with the

1 intention of exploiting after sales. Glock uses this tactic to circumvent existing legal
2 prohibitions. For example, Glock struck many beneficial deals with police departments
3 when Congress enacted the 1994 Assault Weapons Law. The Act banned the
4 manufacture of large capacity magazines—magazines holding more than ten cartridges.
5 Congress created one major exception to this law when it allowed manufacturers to
6 continue producing large capacity magazines for police departments. Glock recognized
7 and took advantage of the new demand for high-capacity firearms created by the 1994
8 ban, and in order to get its hands on “pre-ban” guns, Glock looked to the only entities
9 that could still supply them with the guns—the police.

10 94. Other historic examples of Glock’s exploitation of the law enforcement
11 market include the following documented events: The District of Columbia police
12 department traded its old Smith and Wesson .38 caliber revolvers for new Glock 9 mm
13 pistols in 1988. Although the Glock’s were expensive --\$1.3 million for 4,300 pistols or
14 \$300 each, the department received a significant discount from Glock in the amount of
15 \$284,000 for trading in its Smith & Wesson revolvers to Glock, each getting a \$66
16 credit. For Glock, the used guns were worth more on the retail market, about \$100 each.
17 Once Glock took possession of the revolvers, it sent them to a network of its roughly
18 dozen distributors across the country. The weapons then moved quickly to numerous
19 retail stores. Some were subsequently traced to crime.

20 95. Although the average life span of a police officer’s sidearm is ten years,
21 Glock encouraged the District of Columbia police department to upgrade from its 9 mm
22 semiautomatic pistol in less than six years. In 1994, the department traded in 4,646 of
23 its used 9 mm Glocks to obtain new .40 caliber Glocks at no cost to the department. In
24 addition, along with the guns, Glock threw in an added bonus of 16,000 high-capacity
25 magazines, each holding 15-17 bullets. In return, Glock obtained over 4,000 “pre-ban”
26 firearms, whose magazines alone had risen in value in anticipation of the 1994 Assault
27 Weapons Ban from \$17.00 to \$100.00. Similar deals have been made with police
28 departments in New Jersey, Virginia, Illinois, Michigan, Colorado, and Louisiana.

1 96. In 1988, Glock loaned more than a dozen 9-mm pistols to the New York
2 Department of Environmental Conservation Law Enforcement Division (LED) to
3 evaluate. In 1990, the LED decided to upgrade from its former standard-issue revolvers
4 to Glock's 9-mm pistols. Although the guns were intended to last for twenty years, in
5 1993, Glock provided an upgrade to the 9-mm with the more powerful Glock .40
6 caliber pistols. Glock's overly aggressive marketing tactics were questioned by the New
7 York Inspector General, who issued a scathing 1996 report that detailed "illegal and
8 unethical conduct" by both Glock and senior LED officials.

9 97. The Inspector General also stated that the Glock trade-in deal with New
10 York's LED turned the police agency into a 'supermarket' for guns. The officers were
11 allowed to directly buy back their traded in guns at steep discounts. A number of
12 officers then illegally resold the guns, becoming in effect unlicensed dealers.

13 98. In some cases, the old guns were simply given away to the police officers,
14 or as in the New York LED and Washington, D.C. deals, sold directly to them at
15 bargain rates. Tom Diaz explains this practice in his book *Making a Killing: The*
16 *Business of Guns In America* as follows: Dealers and distributors who take police guns
17 as trade-ins often pay minimal prices for them because the guns have been depreciated,
18 or "costed out," on police accounting ledgers. Aiming to squeeze the most out of both
19 ends of the police market, one gun writer urged retail dealers to aggressively market
20 "tons of well-maintained" police revolvers being traded in for pistols and resold by
21 distributors at "giveaway prices." Tom Diaz, *Making a Killing: The Business of Guns*
22 *In America* (1999).

23 99. Glock pistols which were formerly law enforcement guns are
24 disproportionately traced to crime. Although the numbers are underreported, publicly
25 available data from the ATF shows that since 1990, over 3,000 guns originating from
26 police departments have ended up being used in crimes; 1/3 or 1,000 of those guns
27 manufactured by Glock.

28 100. More detailed data reveals that in 1993, at least 849 Glock 9 mm handguns

1 were recovered in the commission of a crime and traced by the ATF. In that same year,
2 of those Glock guns, at least 135 were former police guns. For the year 1994, at least
3 1,478 Glock 9mm handguns were recovered in the commission of a crime and traced by
4 the ATF. In that same year, of those Glock guns, at least 259 were former police guns.
5 For the year, 1995, at least 1,310 Glock 9mm handguns were recovered in the
6 commission of a crime and traced by the ATF. In that same year, of those Glock guns,
7 at least 129 were former police guns.

8 101. These numbers demonstrate Glock exploits the appeal of former police
9 firearms to criminal users. Former ATF Agent Julius Wachtel, explains the allure of
10 former police weapons: Criminals like to have the same kind of guns the cops have.
11 [Trade-ins] are not only adding to the pool of guns available for misuse, but adding
12 particularly lethal guns and making them more affordable.

13 102. Glock's pocket rocket has two attributes most attractive to criminals, easy
14 concealability and enhanced power. Despite their small size, Glock's "pocket rockets,"
15 which hold nine or ten rounds, have become what one prominent gun magazine
16 described as the "Ultimate Conceal Package." Although ostensibly marketed to law
17 enforcement, as shown below by the facts of this case, they are generally considered
18 unsuitable as a police sidearm.

19 103. All Defendants use the fear generated by the use of their firearms in
20 crimes, and the crime market they facilitate, to promote their products as beneficial,
21 even necessary, for self-protection, even though they are fully aware that the possession
22 and use of firearms they encourage is dangerous to the individuals involved and to the
23 public. Defendants' major markets for their products (excluding law enforcement,
24 military and foreign markets), as explicitly identified by them or their trade associations
25 and as is apparent in their promotions and advertisements, include concealed carrying
26 in public places (including in cars and on the person on the streets and at workplaces),
27 women and youth. For example, Defendants promote widespread purchase of handguns
28 for concealed carrying in public places, although they are specifically aware of the

1 danger presented by large numbers of untrained and unskilled people carrying
2 concealed handguns.

3 104. After Defendants experienced stagnant or declining sales in the early
4 1990s to their traditional markets consisting overwhelmingly of men, they embarked on
5 a concerted effort to promote handguns to women and youth. In 1992, one of the
6 handgun industry's and defendants' leading trade associations, the National Shooting
7 Sports Foundation (NSSF), announced a "new focus on women and youngsters." NSSF
8 started a "Youth Education Program" in a search for new customers and expansion of
9 the gun market. The September/October 1992 issue of NSSF's magazine S.H.O.T.
10 Business carried a column by a noted celebrity in the industry, Grits Gresham, in which
11 he said: There's a way to help insure that new faces and pocketbooks will continue to
12 patronize your business: Use the schools.... [I]t's time to make your pitch for young
13 minds, as well as for the adult ones. Unless you and I . . . imprint our positions in the
14 minds of those future leaders, we're in trouble. (Emphasis added.)

15 105. Some of defendants' ads specifically reflect these efforts. For example,
16 Defendant Glock specifically marketed its "pocket rocket" to women, promoting it as
17 fitting into a women's hand and purse.

18 106. By using the fear enhanced by the crime market they facilitate, and by
19 failing to disclose known risks, defendants have misled consumers and deceptively
20 induced them to purchase firearms, substantially contributing to the large stock of
21 readily accessible firearms in the County of Los Angeles and the resulting injuries and
22 other distinct harm suffered by the plaintiffs.

23 107. Defendants have full, actual knowledge of the crime market described
24 herein; of the easy ways to obtain a new, inexpensive, and highly lethal firearm for
25 criminal purposes; and of the disastrous consequences of their marketing and
26 distribution policies and practices on the plaintiffs and the public. Yet they fail to take
27 even minimal precautions completely within their power and discretion to prevent or
28 diminish the criminal market.

1 108. Other manufacturers of dangerous or potentially harmful products have
2 restricted their sales and their profits to minimize harm. For example, spray paint
3 manufacturers, whose products have been used for graffiti that defaces property,
4 adopted a “Responsible Retailing Program,” which involved education and training of
5 retailers and retracting opposition to, and cooperating with, bans on sales to minors.
6 Similarly, manufacturers of all-terrain vehicles place stricter age limits on purchasers
7 than the law requires based on statistics showing a high number of injuries among
8 younger purchasers.

9 109. Defendants do not take any supervisory or precautionary action based on
10 the ATF crime-gun trace information provided to them on a daily basis, although it
11 specifically shows which distribution channels are supplying the crime market.

12 110. Defendants continue to sell their products through gun shows and FFLs
13 who do not operate an actual store, although they know that these types of dealers in
14 general, and many of them in particular, yield inordinate levels of firearms used in
15 crime.

16 111. Defendants also fail to take reasonable steps to minimize the known risks
17 of possession of firearms. Defendants do not place any warnings on their products
18 about the specific dangers and risks associated with possession of a firearm in the home
19 and carrying a concealed firearm in public places. Although defendants are fully aware
20 of these risks, they specifically contradict such warnings in their advertising and
21 promotion, presenting firearms in the home and carried concealed on the streets as an
22 unambiguous source of protection. While the public generally is aware that firearms are
23 dangerous, most or many are not aware of these specific dangers and risks.

24 112. The conduct by defendants alleged herein was negligent and reckless, and
25 intentional in the sense that one intends the known or likely consequences of one’s
26 actions.

27 113. Defendants knew or should have known that their conduct, as alleged
28 herein, created or contributed to a danger to other persons and to the public generally,

1 including specifically a danger to people like plaintiffs, who would likely be injured as
2 a result thereof although they are entirely innocent of any wrongdoing. Specifically,
3 defendants knew or should have known that their marketing, promotion, distribution,
4 importation, and sale of firearms in the manner set out herein -- by which each of the
5 specific firearms used in these incidents set forth hereinabove and hereinafter came to
6 be in the possession of a person like Furrow had in the past resulted and would likely
7 continue to result in injuries of the type and in the circumstances of the injuries suffered
8 by these plaintiffs.

COUNT I

SURVIVAL ACTION

(By Plaintiff Lilian Santos Ileto Against All Defendants)

12 114. The averments of paragraphs 1 through 113 hereof are incorporated by
13 reference as though fully set forth here.

14 115. Joseph Ileto died on or about August 10, 1999, in Los Angeles County,
15 California.

16 116. No proceedings are now pending in California or elsewhere for the
17 administration of Joseph Ileto's estate.

18 117. Plaintiff Lilian Ileto is the mother of Joseph Ileto, is his sole heir, is his
19 successor in interest (as defined in Section 377.11 of the California Code of Civil
20 Procedure), and succeeds to Joseph Ileto's interest in this action.

21 118. No other person has a superior right to commence this action.

119. The declaration required under California Code of Civil Procedure §
377.32 was attached to the initial complaint, with a certified copy of Joseph Ileto's
death certificate annexed. True and correct copies of these documents are attached to
this amended complaint and incorporated in it by this reference.

26 120. The knowing, intentional, reckless, and negligent conduct of defendants,
27 as set forth above, breached their legal duty to Joseph Ileto, constituted a public
28 nuisance, and were attended by circumstances of oppression, fraud and malice within

1 the meaning of California Civil Code § 3294.

2 121. The defendants' breach of legal duty to Joseph Ileto through their
3 knowing, intentional, reckless, and negligent conduct, as set forth above, foreseeably
4 and proximately caused injury and death to Joseph Ileto.

5 122. The numerous compensable injuries thus caused to Joseph Ileto and
6 sustained prior to his death include but are not limited to assault and battery via the use
7 of weapons sold or marketed by defendants.

8 123. Pursuant to California Code of Civil Procedure § 377.34 and other
9 provisions of law, Plaintiff Lilian Ileto seeks damages for all loss or damage that Joseph
10 Ileto sustained or incurred before death as a result of defendants' conduct, including the
11 penalties and punitive and exemplary damages that Joseph Ileto would have been
12 entitled to recover had he lived, together with attorneys' fees and other applicable law,
13 interest, and costs.

14 **COUNT II**

15 **WRONGFUL DEATH**

16 (By Plaintiff Lilian Santos Ileto Against All Defendants)

17 124. The averments of paragraphs 1 through 123 hereof are incorporated by
18 reference as though fully set forth here.

19 125. Lilian Santos Ileto is Joseph Ileto's sole heir and would be entitled to
20 Joseph Ileto's property by intestate succession.

21 126. The knowing, intentional, reckless, and negligent conduct of defendants,
22 as set forth above, breached their legal duty to Lilian Santos Ileto, constituted a public
23 nuisance, and was attended by circumstances of oppression, fraud and malice within the
24 meaning of California Civil Code § 3294. The numerous injuries to Lilian Santos Ileto
25 foreseeably and proximately caused by defendants' conduct, as set forth above, include
26 but are not limited to loss of Joseph Ileto's love, companionship, comfort, affection,
27 society, solace, support, and physical assistance in the operation or maintenance of the
28 home.

1 127. Plaintiff Lilian Ileto seeks an award of all damages that may be just under
2 all the circumstances of the case, and all applicable penalties and punitive and
3 exemplary damages, together with attorneys' fees and other applicable law, interest,
4 and costs.

COUNT III
PUBLIC NUISANCE

(By All Plaintiffs Against All Defendants)

128. The averments of paragraphs 1 through 127 hereof are incorporated by reference as though fully set forth here.

10 129. Through their conduct their policies and practices for marketing and
11 distribution of firearms, as set forth above defendants have knowingly created and
12 maintained an unreasonable interference with rights common to the general public,
13 constituting a public nuisance under California law.

14 130. Overall, defendants market, distribute, promote and sell firearms, a lethal
15 product, with reckless disregard for human life and for the peace, tranquility, and
16 economic well being of the public. They have knowingly created, facilitated and
17 maintained an over-saturated firearms market that makes firearms easily available to
18 anyone intent on crime. The particular firearms used in these incidents were marketed,
19 distributed, imported, promoted and sold by defendants in the manner set out herein,
20 which defendants knew or should have known facilitates and encourages easy access by
21 persons intent on murder, mayhem or other crimes, including legally prohibited
22 purchasers such as Furrow. Their conduct has thereby created and contributed to a
23 public nuisance by unreasonably interfering with public safety and health and
24 undermining California's gun laws, and it has resulted in the specific and particularized
25 injuries suffered by plaintiffs.

26 131. Defendants' unrestrained conduct maximizes sales of their lethal products,
27 without any check or precaution, by knowingly establishing, supplying and maintaining
28 an over-saturated firearms market that facilitates easy access for criminal purposes,

1 including access by persons prohibited to purchase or possess firearms under state or
2 federal law. Defendants have full knowledge that their policies and practices will and
3 regularly do result in substantially increased levels of firearms use in crime throughout
4 the Nation and in California, and that their conduct has a continuing, substantial
5 detrimental effect on the public.

6 132. Defendants thereby substantially interfere with public rights common to
7 the general public. The resulting inordinately high levels of firearms use in crime affect
8 the rights of the considerable number of members of the public. The general public is
9 rendered vulnerable to crime and assault, and defendants' conduct obstructs the free
10 passage or use, in the customary manner, of the public parks, squares, streets, and
11 highways within the meaning of California Penal Code § 370.

12 133. Defendants' interference with rights common to the public is unreasonable
13 in at least three respects:

14 134. It significantly interferes with the public safety, health or peace. This
15 interference is not insubstantial or fleeting, but rather involves a disruption of public
16 peace and order in that it adversely affects the fabric and viability of the entire
17 community, and a substantial number of persons, within the meaning of California
18 Civil Code § 3480.

19 135. It is continuing conduct, and it has produced a permanent or long-lasting
20 effect, and defendants know or have reason to know that it has a significant effect upon
21 the public right. Defendants continually engage in their reckless conduct even as they
22 are continually informed of the resulting substantial, permanent and long-lasting harm
23 and even as they receive daily notice from the ATF of the distribution channels they use
24 that are doing the most harm. Defendants have reason to know - and actually know of
25 the disastrous, continuing and long-lasting effects of their conduct on the public.

26 136. Though not necessarily proscribed per se by law, defendants' conduct
27 nevertheless undermines state and federal law restricting gun sales and possession and
28 renders enforcement of such laws difficult or impossible. In this sense, defendants'

1 interference with a common public right is contrary to public policy as established by
2 state and federal law, and the interference is therefore unreasonable. A firearm used in
3 connection with a crime is deemed to constitute a public nuisance under California
4 Penal Code § 12028(b).

5 137. Specifically, California is acknowledged to have some of the most
6 stringent firearm laws in the country, yet guns are widely obtained out of state and
7 possessed and used by unauthorized users such as Furrow to cause harm in California.
8 By failing to market and distribute their firearms generally in a manner consistent with
9 the policies manifested in California's laws, Defendants deliberately circumvent these
10 policies.

11 138. The community and the parents of the children and the family of Joseph
12 Ileto have a reasonable expectation that the strict firearms laws of California will serve
13 to protect them. Defendants' conduct in oversupplying the market in more lax
14 jurisdictions facilitates firearms getting into the hands of prohibited persons, such as
15 Furrow, who then bring them to the State of California, and cause an interference with
16 the rights common to the public and specifically cause injury and death to the plaintiffs.

17 139. The parents of the children and the family of Joseph Ileto can take no
18 comfort in the laws of the State of California as long as defendants' irresponsible
19 conduct in oversupplying and marketing their products elsewhere creates an undue risk
20 that persons determined by law to be incompetent to responsibly possess them will in
21 fact readily possess them and inflict injuries and deaths in California.

22 140. Defendants' interference with rights common to the public is also
23 unreasonable based on the totality of the circumstances.

24 141. Defendants' conduct, as set forth above, is negligent, reckless, outrageous,
25 with a reckless and wanton disregard and indifference to the rights and safety of others,
26 and intentional in the sense that one intends the likely, usual or known consequences of
27 one's acts, and has been attended by circumstances of oppression, fraud and malice
28 within the meaning of California Civil Code § 3294.

1 142. Defendants fail to take even minimal steps completely within their power
2 and discretion that would eliminate, ameliorate or substantially minimize the harm.

3 143. Plaintiffs have suffered and are suffering harms different from that
4 suffered by the general public, as set forth above. Such harms are specially injurious to
5 plaintiffs within the meaning of California Civil Code § 3493, and it would be
6 unreasonable and unfair to plaintiffs for defendants to engage in the conduct set out
7 herein without paying for the harm done.

8 144. Plaintiffs have sustained injury proximately and foreseeably caused by the
9 public nuisance created and maintained by defendants, including but not limited to
10 personal injury, death, pain and suffering, severe emotional distress, lost
11 companionship, medical expenses, and lost income.

12 145. Plaintiffs seek an award of all damages sustained as the result of
13 defendants' tortious conduct, including an award of applicable penalties and punitive or
14 exemplary damages, abatement, together with attorneys' fees and other applicable law,
15 interest, and costs.

COUNT IV

NEGLIGENCE

(By All Plaintiffs Against All Defendants)

19 146. The averments of paragraphs 1 through 145 hereof are incorporated by
20 reference as though fully set forth here.

147. The knowing, intentional, reckless, and negligent conduct of defendants, as set forth above and herein, was unreasonable and breached defendants' legal duty to plaintiffs, and was attended by circumstances of oppression, fraud and malice within the meaning of California Civil Code § 3294.

25 148. Defendants' deliberate and reckless marketing strategies caused their
26 firearms to be distributed and obtained by Furrow resulting in injury and death to the
27 plaintiffs.

149. Defendants produce more firearms than meet the legitimate market

1 demand with the intent of marketing their firearms so that they get into the hands of
2 those in the secondary market.

3 150. Specifically, Glock targets its firearms to law enforcement first to gain
4 credibility and then uses the cachet or prestige that goes along with selling guns to law
5 enforcement to infiltrate the civilian market. Although Glocks are not inappropriate or
6 unsafe for their intended purpose--use by well-trained elite offensive police forces--, they
7 are not appropriate for civilians or unskilled users. Glock also exploits its status
8 and position with law enforcement to sell guns originally tailored to police to criminals,
9 knowing that the characteristics former police guns have—high caliber, capacity and
10 concealability-- will appeal to prohibited users, such as Furrow.

11 151. Glock's pursuit of selling to law enforcement is part of an intentional
12 strategy to bolster sales at any cost. Glock has aggressively pursued law enforcement
13 officers to help sell its guns and win favor in the civilian and criminal market.

14 152. For years, Glock has operated the police market with national sales and
15 services managers, all of whom are former law-enforcement officials. Glock will do
16 anything to win favor among police forces by offering incentives, deals, upgrades, and
17 encouraging police departments to try out new models. Glock and its distributors are
18 ready to make deals when police trade-ins are ready and often encourage earlier trade-
19 ins than planned. Glock's dealers are then able to sell new and more expensive firearms
20 to police and former police guns to civilians and therefore cash-in on both sides of the
21 trade-in deal.

22 153. Specifically, the Glock pistol used by Furrow to shoot and kill Joseph
23 Santos Ileto, was a former police gun and involved a sweetheart deal. Glock and its
24 distributor, RSR Seattle, intended to gain the most out of both sides of the police
25 market when it made its deals with the Cosmopolis police department. The gun used by
26 Furrow was initially shipped to the police department on January 15, 1996, along with
27 another gun of the same model. After trying the gun out, however, the Cosmopolis
28 police department was not satisfied with the guns because it thought they were too

1 small to fit into a larger person's hand. One week later, the Cosmopolis police
2 department decided to exchange the guns, unused, for another Glock model, so it
3 contacted a former Cosmopolis reserve officer, Don Dineen ["Dineen"], who
4 maintained a gun store in Cosmopolis to perform the trade. Dineen, in turn, contacted a
5 Glock distributor, RSR Seattle, that he had dealt with before in the past, requesting the
6 two new Glock guns of a different model for trade to the Cosmopolis police
7 department. RSR Seattle shipped the new models to Dineen agreeing that payment did
8 not have to be made until the former police guns were sold.

9 154. Dineen exchanged the new Glock models to the police department for the
10 model 26's at no cost to the department. Dineen was then able to sell one of the "used"
11 former police guns at a significantly reduced price to a "collector" without having to lay
12 out a dime or take any credit risk.

13 155. Dineen sold the former police gun to "gun collector," David Wright at a
14 significant discount. Don knew David Wright well because he frequented his gun shop
15 and often "hung out" there. Don had introduced David Wright to another "gun
16 collector", Andrew Palmer, at the gun shop, and along with Dineen, they often
17 discussed many things at the gun shop while drinking coffee around a table, that they
18 referred to as the "table of knowledge." Dineen knew that neither David Wright nor
19 Andrew Palmer had a federal firearms license, meaning they did not have to run a
20 background check on the purchasers of their guns, and he knew that both frequently
21 sold and traded guns at gun shows in Spokane, Washington, a city near Hayden Lake,
22 Idaho, the town that serves as the home enclave for the Aryan Nations and the neo-nazi
23 group, to which Furrow was a member. In fact, David Wright sold the Glock model 26
24 to Andrew Palmer, along with three other "collectibles" for sale at a gun show in
25 Spokane, Washington. It is at this gun show in Spokane, Washington, that Furrow is
26 believed to have purchased the Glock in 1998, from unlicensed dealer Andrew Palmer.

27 156. Glock gained the most out of both sides of the police market by this sale to
28 the police department and to David Wright. Glock initially sold the gun to a police

1 department, however, when the police department was dissatisfied with the gun, it sold
2 an upgraded, more expensive gun to the police department at no cost and then pushed
3 the one-week old, unused, trade-in gun as a depreciated or “costed out” gun, enabling
4 its distributor, RSR Seattle, to offer a sweetheart deal to former reserve officer and gun
5 store owner, Dineen.

6 157. Because of the high number of criminal gun traces to RSR, both Glock and
7 RSR should have been aware of the increased dangers of a former police gun, pocket
8 rocket sold below cost would increase the probability of the gun ending up in the
9 secondary market.

10 158. Ultimately, this police trade-in deal had dire consequences for the
11 plaintiffs by putting the gun into the hands of convicted felon and neo-nazi, Furrow,
12 who then injured and killed them. The source of the gun used by Furrow came from a
13 police department, a market that Glock has manipulated and worked with for years. It
14 was foreseeable that Glock and RSR were arming unlicensed persons by selling its
15 former police guns in these channels in Washington State and Glock and RSR had a
16 duty to avoid creating such unreasonable risks of injury above and beyond the risks that
17 would exist if they conducted their businesses in ways to decrease rather than increase
18 the likelihood of criminal misuse. Glock failed to exercise reasonable care in selling its
19 handguns to the Cosmopolis police department, and the department failed to exercise
20 reasonable care in its disposition of the handguns.

21 159. The defendants’ breach of legal duty to plaintiffs through their knowing,
22 intentional, reckless, and negligent conduct, as set forth above, foreseeably and
23 proximately caused injury, emotional distress, and death to plaintiffs.

24 160. The possible identities of other dealers, resellers and “collectors” who
25 provided firearms to Furrow have been revealed in press reports, but at this time
26 plaintiffs do not have sufficient knowledge, information or evidence to add them as
27 defendants. They or others may be specifically added later as among the DOE
28 defendants.

1 161. Upon information and belief, the particular firearms used by Furrow in
2 these incidents set forth hereinabove were marketed, distributed, imported, promoted,
3 or sold by each of the defendants in the high-risk, crime-facilitating manner and
4 circumstances described herein, including gun shows, “kitchen table” dealers, pawn
5 shops, multiple sales, straw purchases, faux “collectors,” and distributors, dealers and
6 purchasers whose ATF crime-trace records or other information defendants knew or
7 should have known identify them as high-risk. Defendants’ practices knowingly
8 facilitate easy access to their deadly products by people like Furrow.

9 162. The numerous compensable injuries suffered by plaintiffs include but are
10 not limited to personal injury, death, pain and suffering, severe emotional distress, lost
11 companionship, medical expenses, and lost income.

12 163. Plaintiffs seek an award of all damages sustained as the result of
13 defendants' tortious conduct, including an award of applicable penalties and punitive or
14 exemplary damages, together with attorneys' fees and other applicable law, interest,
15 and cost.

PRAYER FOR RELIEF

18 WHEREFORE, plaintiffs request the following relief:

19 1. entry of judgment against all defendants;

20 2. an award of compensatory damages and general and special damages in favor of

21 plaintiffs, including the class, and against defendants, jointly and/or severally, in an

22 amount to be determined at trial;

23 3. an award of exemplary or punitive damages pursuant to California Civil Code §

24 3294 or other applicable provisions of law;

25 4. an award of plaintiffs' prejudgment interest and costs of suit as permitted by law;

26 and

27 5. such other and further relief as may be just and proper under the circumstances.

1 DATED: March 8, 2012

KIESEL BOUCHER LARSON LLP

2 By:

3 
4 Raymond P. Boucher
5 Steven D. Archer
6 Jeffrey A. Koncius

7 **BERGER & MONTAGUE, P.C.**

8 Merrill Davidoff (*Admitted Pro Hac Vice*)
9 Neil Mara (*Admitted Pro Hac Vice*)
10 *Attorneys for Plaintiffs*

11 **THE EDUCATION FUND TO STOP GUN
12 VIOLENCE**

13 Sayre Weaver (CA Bar No. 116957)
14 Joshua M. Horwitz
15 (*Admitted Pro Hac Vice*)
16 *Attorneys for Plaintiffs*

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**DECLARATION OF LILIAN S. ILETO
PURSUANT TO CAL. CODE CIV. PROC. § 377.32**

I, Lilian S. Ileto, hereby declare as follows:

1. The name of decedent in this action is Joseph Ileto.
2. Joseph Ileto died in Los Angeles County, California, on August 10, 1999.
3. No proceeding is now pending in California for administration of the decedent's estate.
4. Decedent's estate was not administered.
5. I am Joseph Ileto's mother and his sole heir, by intestacy. I am decedent's successor in interest (as defined in section 377.11 of the California Code of Civil Procedure) and succeed to the decedent's interest in this proceeding.
6. No other person has a superior right to commence this action or to be substituted for the decedent in the proceeding.

I affirm and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: August 8, 2000

Lilian S. Ileto
LILIAN S. ILETO

COUNTY OF LOS ANGELES

DEPARTMENT OF HEALTH SERVICES

CERTIFICATE OF DEATH

STATE OF CALIFORNIA

USE BLACK INK ONLY NO ERASURES, WHITEOUTS OR ALTERATIONS

VS-11 REV. 2-27-71

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER					
1. NAME OF DECEDENT—FIRST / MIDDLE Joseph		2. MIDDLE Santos		3. LAST / FAMILY Ileta			
DECEDENT PERSONAL DATA	4. DATE OF BIRTH MM/DD/CCYY	5. AGE yrs 39	6. UNDERScore 1 YEAR MONTHS DAYS	7. UNDERScore 24 HOURS HOURS MINUTES	8. SEE Male	9. DATE OF DEATH MM/DD/CCYY	10. HOUR 08/10/1999
	11. STATE OF BIRTH PI	12. SOCIAL SECURITY NO. 569-31-9930	13. MILITARY SERVICE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	14. MARITAL STATUS Never Married	15. EDUCATION—YEARS COMPLETED 14		
	16. RACE Filipino	17. HISPANIC—SPECIFY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	18. USUAL EMPLOYER Government				
	19. OCCUPATION Mail Carrier	20. KIND OF BUSINESS U S Postal Service	21. YEARS IN OCCUPATION 2				
	22. RESIDENCE—STREET AND NUMBER OR LOCATION 2162 Rancho Hills Drive						
23. CITY Chino Hills		24. COUNTY San Bernardino		25. ZIP CODE 91709	26. TBS IN COUNTY 9	27. STATE OR FOREIGN COUNTRY CA	
INFORMANT Lillian S. Ileta, Mother		28. MAILING ADDRESS, STREET AND NUMBER OR LOCAL ROUTE NUMBER, CITY OR TOWN, STATE, ZIP 641 W. Gleason St., Monterey Park, CA 91756					
SPOUSE AND PARENT INFORMATION	29. NAME OF SURVIVING SPOUSE—FIRST —	30. MIDDLE —	31. LAST Ileta	32. BIRTH STATE PT			
	33. NAME OF FATHER—FIRST Dalmacio	34. MIDDLE G	35. LAST Ileta	36. BIRTH STATE PT			
	37. NAME OF MOTHER—FIRST Lillian	38. MIDDLE E	39. LAST Dolios Santos	40. DEATH STATE PT			
41. DATE MM/DD/CCYY		42. PLACE OF FINAL DISPOSITION Rose Hills Memorial Park, 3888 S. Workmen Mill Rd., Whittier, CA 90601					
43. TYPE OF DISPOSITION BU		44. SIGNATURE OF EMBALMER Doris Leonard				45. LICENSE NO. 8523	
46. NAME OF FUNERAL DIRECTOR Rose Hills Mortuary		47. SIGNATURE OF LOCAL REGISTRAR Mark G.				48. DATE MM/DD/CCYY 08/13/1999	
PLACE OF DEATH	101. PLACE OF DEATH DRIVEWAY	102. IF HOSPITAL, SPECIFY O/S/H <input type="checkbox"/> IP <input type="checkbox"/> PT/OP <input type="checkbox"/> DOA	103. FACILITY OTHER THAN HOSPITAL <input type="checkbox"/> CONV. <input type="checkbox"/> HME <input type="checkbox"/> O.H.	104. COUNTY LOS ANGELES	105. DEATH REPORTED TO CORONER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 99-03473		
	106. STREET ADDRESS—STREET AND NUMBER OR LOCATION 9944 VALLEY CIRCLE	107. CITY CHATSWORTH	108. SIGNATURE PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
CAUSE OF DEATH	109. DEATH WAS CAUSED BY: ENTER ONLY ONE CAUSE PER LINE FOR A, B, C, AND D MULTIPLE GUNSHOT WOUNDS				110. SIGNATURE PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
	111. DUE TO (A) —				112. AUTOPSY PERFORMED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
	113. DUE TO (C) —				114. USED IN DETERMINING CAUSE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
115. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 107 NONE							
116. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 113? IF YES, LIST TYPE OF OPERATION AND DATE NO							
PHYSICIAN'S CERTIFICATION	117. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE INFORMATION STATED. DECEASED DIED SINCE DECEASED LAST SEEN ALIVE MM/DD/CCYY MM/DD/CCYY		118. SIGNATURE AND TITLE OF CERTIFIER ►		119. LICENSE NO.	120. DATE MM/DD/CCYY	
	121. MANNER OF DEATH <input type="checkbox"/> NATURAL <input type="checkbox"/> DROWNS <input checked="" type="checkbox"/> HOMICIDE <input type="checkbox"/> ACCIDENT <input type="checkbox"/> FRENCH INVESTIGATION <input type="checkbox"/> COULD NOT BE DETERMINED		122. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP SHOT TO HEAD, CHEST, ARM AND LEG BY ASSAILANT		123. PLACE OF INJURY DRIVEWAY		
3 CORONER'S USE ONLY	124. SIGNATURE OF CORONER OR DEPUTY CORONER Mark G.		125. DATE MM/DD/CCYY 08/12/1999	126. TYPE NAME, TITLE OF CORONER OR DEPUTY CORONER JUANA GARCIA/DEPUTY CORONER			
	127. STATE MM/DD/CCYY		128. FAX AUTH. # 918-5973			CENSUS TRACT 090261319	

This is a true certified copy of the record filed in the County of Los Angeles Department of Health Services if it bears the Registrar's signature in purple ink.

Mark G. 263 110 7 C 1009
APR 1996 ED

Director of Health Service and Registrar

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

